



**Department of Veterans Affairs  
Office of General Counsel  
Washington, DC. 20420**

July 18, 2016

In Reply Refer to: (027)

Mr. Gregory O. Block  
Clerk of the Court  
U.S. Court of Appeals for Veterans Claims  
625 Indiana Avenue, NW  
Washington, DC 20004

Re: **CRYSTAL D. SOUTHALL-NORMAN**

**v.**

**ROBERT A. MCDONALD,**  
Secretary of Veterans Affairs  
Vet. App. No. 15-1357

Dear Mr. Block,

Pursuant to U.S. Vet. App. R. 30(b), the Secretary hereby advises the Court of additional, pertinent, and significant authority that the undersigned counsel has become aware of since the Secretary filed his brief in this appeal on February 19, 2016.

The additional authority is VA Adjudication Procedure Manual M21-1, III.iv.4.A.1.g. The Secretary identifies the Manual M21-1's provision that pain on palpation, and pain on weight-bearing or nonweight-bearing is not the same as painful motion of a joint and does not warrant assignment of a compensable evaluation under § 4.59. See M21-1, III.iv.4.A.1.g. This is relevant because Appellant alleges pain on standing and walking, but the Secretary argues that § 4.59 is inapplicable to her claim. See Secretary's Brief at 7-11; Appellant's Brief at 8; Appellant's Reply Brief at 2-3.

Additionally, the Secretary notes that the M21-1 appears to have been updated on May 20, 2016. The Secretary cited to M21-1MR, III.iv.4.A.1.I on pages 8, 9, and 11 of his brief, for the proposition that § 4.59 does not apply to diagnostic codes that do not involve limitation of motion. The updated citation in the M21-1 is now M21-1MR, III.iv.4.A.1.m.

Sincerely,

/s/ Omar Yousaf

**OMAR YOUSAF**

Appellate Attorney

Counsel for the Secretary